

Genentech, Inc.  
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AUG 30 2001

GROUP 1600

## FACSIMILE TRANSMITTAL

### **Legal Department - Patent Group**

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Tel: (650) 225-1000 FAX: (650) 952-9881 or 952-9882

### **CONFIDENTIAL NOTE**

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Date: August 29, 2001 # of pages (including this sheet): 6

To: Exmr. John Ulm Fax # 1.703.308.4242  
USPTO Phone # 1.703.308.4008

From: Craig G. Svoboda, Esq. Phone # 650-225-1489

**Re: Lee et al. U.S. patent application serial No. 09/104,063**  
**Title: Nucleic Acids Encoding PF4A Receptor**  
**Our Ref.: P0706P2C2D2**

Enclosed is a Petition to Withdraw Abandonment Pursuant to 37 C.F.R. §1.181.

Respectfully,

Craig G. Svoboda, Esq.  
Patent Counsel

If you do not receive all pages, please contact Glory Tabuena at 650-225-3582 immediately.

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Patent Docket No. P0706P2C2D2 #14

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**FAX RECEIVED**

In re Application of  
*Lee et al.*  
 Serial No.: 09/104,063  
 Filed: June 24, 1998  
 For: *NUCLEIC ACID ENCODING PF4A RECEPTOR*

Group Art Unit: 1646

Examiner: J. Ulm

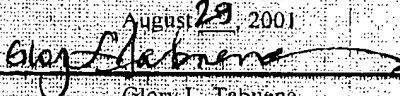
Confirmation No.: 3819

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being sent via facsimile addressed to: Commissioner for Patents and Trademarks, Washington, DC 20231 at facsimile No. 703-308-4242 on

August 29, 2001  
  
 Glory L. Tabucna

**PETITION TO WITHDRAW ABANDONMENT  
PURSUANT TO 37 CFR § 1.181**

Commissioner of Patents and Trademarks  
 Washington, DC 20231

Sir:

The undersigned agent for Applicants is in receipt of a Notice of Abandonment (copy attached), mailed August 2, 2001 for the above-referenced application. The Notice of Abandonment indicates that this application became abandoned due to Applicants' failure to respond to the Final Office Action mailed December 22, 2000.

The Office is respectfully requested to withdraw the holding of abandonment, for the reason that Applicants indeed filed a timely response. In support, Applicants respectfully submit the following:

1. A copy of the postcard indicating receipt of the response on April 30, 2001 and entry on May 10, 2001.
2. A copy of the Notice of Appeal filed on April 23, 2001
3. A copy of the petition and fee for one-month extension of time filed April 23, 2001. In that April 22, 2001 fell on a Sunday, the Petition and Notice of Appeal is considered timely filed on April 23, 2001.

#96444

Based on the above, the holding of abandonment by the PTO is clearly in error, and Applicants respectfully request that it be withdrawn.

As this matter appears to have arisen without fault on the part of Applicants, no fees are believed due. However, in the event that additional fees are due in connection with the filing of these documents, the Commissioner is hereby authorized to charge Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: August 21<sup>A</sup>, 2001

By: Craig G. Svoboda  
Craig G. Svoboda  
Reg. No. 39,044  
Telephone: 650-225-1489



09157

PATENT TRADEMARK OFFICE

#96444

In re Application of: James Lee et al.  
Serial No.: 09/104,063  
Filed On: 24 June 1998  
Mailed On: 23 April 2001

Docket No.: P0706P2C2D2  
By: Richard B. Love  
Reg. No.: 34,659

ENTCILED  
5/10/01

The following has been received in the U.S. Patent Office on the date stamped:

Notice of Appeal  
 Petition to Extend to Time  
 Fees: \$420.00

